

### REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated October 10, 2008. Claims 1 through 25 are presently pending in the above-identified patent application. In this response, applicant proposes to amend claim 14. No additional fee is due.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., claims 1 through 25, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner.

In the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §102(e) as being anticipated by Appelman (WO 03/098425).

#### Independent Claims 1, 14 and 19

Independent claims 1, 14 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Appelman. With regard to claims 1 and 19, for example, the Examiner asserts that Appelman teaches a method for delivering an email message to a recipient, comprising: receiving said email message from a sender (page 19, lines 14-15); obtaining a presence status of said sender from a presence server (page 20, lines 17-22; page 21, lines 4-7; 29-31), wherein said presence status indicates a presence status of said sender across a plurality of domains (page 21, lines 29-31); and delivering said email message to said recipient with an indication of a presence of said sender (page 2, lines 8-14) on one or more of said plurality of domains (page 21, lines 29-31). In the Response to Arguments section of the present Office Action, the Examiner asserts that “any contact information must be present within at least one domain, so Appelman teaches indicating the presence status of the sender in at least one domain since it added the presence of any domain to the electronic message.”

Appelman, however, merely discloses that a “status of online presence for the referenced individual may be made available.” Appelman, however, does *not* disclose or suggest that the “presence status indicates a presence status of said sender *across a plurality of domains*,” as required by each independent claim. Rather, Appelman would depict the presence in only a single domain, such as the AOL network associated with the assignee of Appelman. While the passage at page 21, lines 29-31, referenced by the Examiner, may identify supplemental contact

information, there is *no* disclosure or suggestion that such supplemental contact information is delivered with the email message to the recipient. Independent claims 1 and 19 require obtaining a presence status of said sender from a presence server, *wherein said presence status indicates a presence status of said sender across a plurality of domains*; and delivering said email message to said recipient *with an indication of a presence of said sender on one or more of said plurality of domains*. Independent claim 14, as amended, is directed to a method for delivering an email message to a recipient and requires obtaining a presence status of said sender *across a plurality of domains*; and providing a mechanism *with said delivered email* for said recipient to automatically respond to said sender at a device associated with at least one of a plurality of domains where said sender is believed to be present at a time of opening said delivered email.

Regarding the Examiner's assertion that "any contact information must be present within at least one domain," Applicants reiterate that Appelman does *not* disclose or suggest a *plurality of domains* and does not disclose or suggest the limitation of "presence status indicates a presence status of said sender *across a plurality of domains*." Applicants reiterate that these limitations are affirmatively recited in the claims and are *not* disclosed by the cited prior art.

Thus, Appelman does not disclose or suggest obtaining a presence status of said sender from a presence server, wherein said presence status indicates a presence status of said sender across a plurality of domains; and delivering said email message to said recipient with an indication of a presence of said sender on one or more of said plurality of domains, as required by claims 1 and 19, as amended, and does not disclose or suggest obtaining a presence status of said sender across a plurality of domains; and providing a mechanism with said delivered email for said recipient to automatically respond to said sender at a device associated with at least one of said plurality of domains where said sender is believed to be present at a time of opening said delivered email, as required by claim 14, as amended.

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 14 and 19.

#### Dependent Claims

Claims 2-13, 15-18 and 20-25 are dependent on independent claims 1, 14 and 19, and are therefore patentably distinguished over Appelman because of their dependency from amended independent claims 1, 14 and 19 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-25, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions  
5 for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

/ Kevin M. Mason/

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